

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

1973 Legislative Session, Legislative Day No. 73-10

Bill No. 73- 6 (AS AMENDED)

Introduced by Mr. John W. Hardwicke

AN ACT to repeal Section 457 A., B. and C. of the Code of Public Local Laws of Harford County titled Officers and Employees, subheading 457 A. Definitions, 457 B. Prohibitions, 457 C. Penalty Provisions, respectively; and to enact a new Section 457 A. titled Code of Ethics to stand in place of the sections repealed providing for the establishment of Prohibitive Conduct by Officers and Employees of Harford County, Maryland, and establishing a Board of Ethics, as well as, Rules and Regulations pertaining to campaign expenditures, and governing legislative agents; and generally relating to the conduct of officers and employees of Harford County, Maryland.

By the Council APRIL 3, 1973

Introduced, read first time, ordered posted and public hearing scheduled on
MAY 1, 1973, at 7:00 P.M. in the
Council Hearing Room, Bel Air, Maryland.

By order, Emogene B. Johnston, Secretary

PUBLIC HEARING

Having been posted and Notice of time and place of hearing
and Title of Bill having been published according to the Charter, a public
hearing was held on May 1, 1973 and concluded
on May 1, 1973.

Emogene B. Johnston, Secretary

1 Section 1. Be it enacted by the County Council of Harford County,
2 Maryland, that Section 457 A., B., and C. of the Code of Public
3 Local Laws of Harford County titled, "OFFICERS AND EMPLOYEES",
4 subheading 457 A. Definitions., 457 B. Prohibitions., 457 C.
5 Penalty Provisions., respectively, be repealed and new section
6 457 A. titled, "CODE OF ETHICS", be enacted to read as follows:

7 457.A CODE OF ETHICS

8 (a) Definitions.

9 (1) "Officer or Employee" shall mean and include for
10 purpose of this section any person whether elected or appointed
11 regardless of whether or not such person shall be paid in whole
12 or in part from County funds or shall serve without compensation.
13 The term "Officer or Employee" shall also include all persons
14 appointed or elected to serve on any County agency.

15 (2) "County Agency" shall mean and include all County
16 offices, departments, institutions, boards, commissions and
17 corporations of the County government and, when so specified, all
18 offices, departments, institutions, boards, commissions and
19 corporations which receive or disburse County funds.

20 (b) Applicability of Section.

21 (1) The provisions of this section shall apply to all
22 officers and or employees of the County including but not limited
23 to the County Executive, the members of the County Council, the
24 County Attorney, department heads and all other officers, employees
25 and members of boards, commissions and agencies hired or appointed
26 by or under the authority of the County Executive or County Council.

27 (2) The provisions of this section shall apply
28 regardless of whether or not such officer or employee is paid
29 in whole or in part by County funds and shall also apply to all
30 those persons who shall serve without compensation.

31 (c) Prohibitive Conduct. No officer or employee to whom
32 this section applies shall:

1 (1) In any manner whatsoever be interested in, or
2 receive any benefit from the profits or emoluments of any contract,
3 job, work, or service for the County.

4 (2) Accept any service or thing of value, directly or
5 indirectly upon more favorable terms than those granted to the
6 public generally, from any person, firm, or corporation having
7 dealings with the County.

8 (3) Receive, directly or indirectly, any part of any
9 fee, commissions, or other compensation paid or payable by the
10 County or by any person in connection with any dealings or
11 proceedings before any agency of the County government.

12 (4) Directly or indirectly be the broker or agent
13 who procures or receives any compensations in connection with the
14 procurement of any type of bonds for County officers, employees,
15 persons, or firms doing business with the County.

16 (5) Solicit or accept any compensation or gratuity
17 in the form of money or otherwise for any act or commission in
18 the course of his or her public duties; provided however, that
19 nothing herein shall be construed to prohibit the head of any
20 department or board of the County from permitting an employee from
21 receiving a reward publicly offered and paid for the accomplish-
22 ment of a particular task.

23 (6) Compel any other officer or employee of the
24 County to do or perform any private service or work outside of his
25 or her public office or employment.

26 (7) Be entitled to or receive any other compensations
27 for the performance of public duties; provided however, nothing
28 herein shall be construed as to prohibit payment or reimbursement
29 for travel and subsistence expenses incident to the performance
30 of his or her official duties as prescribed by law.

31 The provisions of this section shall be broadly
32 construed and strictly enforced for the purpose of preventing

1 officers and employees from securing any pecuniary advantages,
2 however indirect, from their public associations, other than their
3 compensation provided by law. In order to guard against injustice,
4 the Council may specifically authorize any County officer or
5 employee to own stock in any corporation or to maintain a business
6 in connection with any person, firm or corporation dealing with
7 the County, if on full public disclosure of all pertinent facts
8 to the Council by such officer or employee, the Council shall
9 determine that such stock ownership or connection does not violate
10 the public interest.

11 Any officer or employee of the County who intentionally
12 violates subsection (1), (2), (3), (4), (5), (6), and (7) of
13 this subheading shall on conviction forfeit his office and be
14 imprisoned for not more than six (6) months or fined not more than
15 One Thousand Dollars (\$1,000.00) or both. If any person shall
16 offer, pay, refund, or rebate any part of any fee, commission, or
17 other form of compensation to any officer or employee of the
18 County in connection with any County business or proceeding, he
19 shall, on conviction, be punished by imprisonment for not more than
20 six (6) months or a fine of not more than One Thousand Dollars
21 (\$1,000.00) or both. Any contract made in violation of this Sec-
22 tion may be declared void by the County Executive or the County
23 Council. The penalties in this Section shall be in addition to all
24 other penalties provided by law.

25 (d) Board of Ethics.

26 (1) There is hereby created a Board of Ethics for
27 Harford County, such Board to consist of three (3) persons to be
28 appointed by the County Executive and confirmed by the County
29 Council for a term coterminous with that of the County Executive
30 Not more than two (2) members of the Board shall be members of the
31 same political party. Each member of the Board shall have been a
32 resident of Harford County for a period of five (5) years.

1 immediately prior to his appointment. In the appointment of the
2 Board, the County Executive shall give great weight to the factors
3 of whether the appointee shall have had experience in government,
4 finance, business, law or in related fields. The County Executive
5 shall submit the names of his nominees for the first Board of
6 Ethics no later than June 1, 1973.

7 (2) The Board is authorized to receive written com-
8 plaints, signed by the complainant, conduct investigations upon
9 the complaints, hold only private hearings, swear witnesses, render
10 advisory opinions as to the applicability of this Code to the
11 County Council and County Executive and adopt rules of procedure
12 for the conduct of its business. The source of complaints, except
13 to the accused official; requests for advisory opinions; and all
14 investigations shall be kept confidential. Findings, recommenda-
15 tions, advisory opinions and interpretations may be made public
16 in the Board's discretion where such disclosure does not contravene
17 applicable public disclosure laws. The Board shall keep accurate
18 and complete records of its business.

19 (3) Upon receipt of a complaint alleging a violation
20 of this Code, the Board of Ethics established by this article
21 shall immediately determine if there is probable cause to believe
22 a violation has occurred. If the Board determines that there is
23 no probable cause for the complaint, the Board shall dismiss the
24 matter summarily, with or without disclosing it to the official
25 involved, as it may see fit. If probable cause is determined, the
26 Board shall take further discreet investigatory and procedural
27 steps necessary to resolve the matter, which steps shall include
28 an opportunity by any accused to be represented by counsel and to
29 be confronted by his accusers, and to present evidence on his
30 behalf at a fair hearing. If the person accused requests a public
31 hearing in writing, his request shall be granted.

32 (4) If, after appropriate investigation or hearing,

1 the Board shall find that a violation of this Code of Ethics did
 2 or continues to exist, the Board, after notification to the County
 3 Executive, is authorized either to certify the matter to the
 4 State's Attorney or, short of such certification, to pass
 5 appropriate corrective or rectifying orders directed to the official
 6 and department or agency involved. Corrective or rectifying orders
 7 may be passed by a majority of the Board, but no criminal action
 8 shall be initiated under this Code without the unanimous
 9 certification of the Board. If a case is certified, the Board
 10 shall also supply to the State's Attorney the evidence, facts,
 11 findings, or testimony upon which the certification is based. If
 12 a corrective or rectifying order is passed by the Board, it shall
 13 be accompanied by a statement of facts and findings. Failure of
 14 any official, employee, or agency to comply with an order of the
 15 Board shall be grounds for immediate certification of the case to
 16 the State's Attorney.

17 (5) The Board Shall adopt such rules of procedure as
 18 it may deem necessary to carry out the duties and responsibility
 19 created hereunder.

20 (e) Campaign Expenditures.

21 (1) No person, in seeking to be elected to the position
 22 of County Executive shall spend in excess of the sum of ~~Thirty~~
 23 FIFTEEN Thousand Dollars (~~\$30,000.00~~) (\$15,000.00) thereof, in
 24 ~~both~~ EITHER the primary ~~and~~ OR general elections. No person, in
 25 seeking to be elected to the position of County Councilman shall
 26 spend in excess of the sum of ~~Six Thousand Five Hundred Dollars~~
 27 (~~\$6,500.00~~) THREE THOUSAND TWO HUNDRED FIFTY DOLLARS (\$3,250.00).
 28 in ~~both~~ EITHER the primary ~~and~~ OR general elections.

29 (2) Each person seeking the office of County
 30 Executive or seeking to be elected to the County Council shall
 31 prepare and execute, under oath, such disclosures of expenditures
 32 and contributions as are required from time to time from persons

1 seeking election to the General Assembly, provided however, in the
2 listing of contributions, it shall be necessary to include the
3 names and addresses of all contributors in any amount in excess
4 of Ten Dollars (\$10.00) or of any thing of value in excess of
5 Ten Dollars (\$10.00) and it shall be necessary to list the names
6 and addresses of all persons purchasing tickets to dinners,
7 testimonials and any other entertainment or event with respect
8 to which tickets shall be sold, but in calculating the amount of
9 contributions there may be deducted from monies received through
10 the sale of such tickets, the cost of such dinners, testimonials
11 and other entertainment or event. All disclosures to be made under
12 this Section shall be made at the same time and at the same place
13 and with the same legal formality as is required for disclosures
14 under the Laws of the State of Maryland for candidates for the
15 General Assembly.

16 (3) In the listing of expenditures referred to in
17 paragraph (2) of this subsection, there shall be listed all
18 expenditures made by the candidate or made in behalf of the
19 candidate, with his knowledge and approval, in furtherance directly
20 or indirectly of his election.

21 (4) Any contribution made by a candidate to a
22 political party or to a committee or association of persons pro-
23 moting the candidacy of any person shall be deemed to be an
24 expenditure of the candidate under this subsection. All
25 contributions to or expenditures by any committee or association
26 of persons promoting any candidacy shall be disclosed by the
27 committee or association of persons as provided in paragraph (2)
28 of this subsection.

29 (5) Any person or persons seeking to promote or
30 defeat any measure or matter before the voters with respect to any
31 amendment to the Charter, or with respect to any law or measure
32 adopted by the Council and placed upon referendum shall disclose

1 all contributions and expenditures as provided in paragraph (2)
2 of this Section.

3 (6) No person shall take the oath of office for any
4 position created by the Charter of Harford County, Maryland, unless
5 he shall have first prepared and executed the disclosures required
6 by this Section.

7 (f) Legislative Agents.

8 (1) Prior to performing any act as a legislative
9 agent before the County Council, every legislative agent shall
10 register with the Secretary of the Council and file with the
11 Secretary an authorization from the employer to act as such agent.
12 The authorization shall identify the employer, the legislative
13 agent and shall identify the matter with respect to which the
14 agent is employed.

15 (2) No person shall be employed as a legislative
16 agent for compensation dependent in any manner upon the passage
17 or defeat of any proposed legislation, or upon any other
18 contingency connected with any action of the County Council.

19 (3) No registration shall be effective for a period
20 in excess of six (6) months and, if any action as a legislative
21 agent shall continue, the agent shall register a second time for
22 said additional period. At the end of the six (6) month period,
23 the agent shall file with the Secretary a written report signed
24 under oath, setting forth an itemized account of all salaries, fees,
25 expenses or other compensation paid or to be paid in connection
26 with the employment, including fees and expenses paid to witnesses.
27 A legislative agent who is employed by two (2) or more employers
28 during the aforementioned six (6) month period shall, jointly with
29 each employer, file a separate report for each employment. If the
30 employer is a corporation, the report shall be signed by a duly
31 authorized officer of the corporation. When the legislative agent
32 is employed for a salary or retainer which includes services

1 other than as a legislative agent, the parties reporting shall
2 make a fair and bona fide proration of the value of the time and
3 effort in direct legislative activities to other activities of
4 the legislative agent and shall report the sum so prorated as
5 compensation and shall further state that the sums reported are
6 a prorated portion of total compensation and that the affiants
7 believe the proration to be fair and reasonable.

8 (4) The term, "County Council", shall include any
9 member of the County Council of Harford County, Maryland.

10 (5) The provisions of this Section shall not apply
11 to:

12 (i) Persons performing professional services
13 in drafting bills or in advising and rendering opinions to clients
14 as to the construction and effect of proposed or pending
15 legislation where such services do not otherwise constitute
16 activities as a legislative agent.

17 (ii) Persons appearing before the County Council
18 at the specific invitation or request of the County Council and
19 who engage in no further or other activities in connection with
20 the passage or defeat of legislation.

21 (iii) Persons appearing only and solely on
22 matters pertaining to their official duties as duly elected or
23 appointed officials or employees of the State or political sub-
24 division thereof, or of the United States, and not as representa-
25 tives in any manner, of any other entity.

26 Section 2. And be it further enacted, that this Act shall take
27 effect sixty (60) calendar days following its enactment.

28 Effective: August 3, 1973
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32

BY THE COUNCIL

Read the third time.

Passed May 15, 1973 LSD 73-15 (With Amendments)

~~Failed of Passage~~

By order

Imogene B. Johnston, Secretary

Sealed with the County Seal and presented to the County Executive for his
approval this 16th day of May, 1973 at
11:30 o'clock A.M.



Imogene B. Johnston, Secretary

BY THE EXECUTIVE

APPROVED:

Charles B. Anderson, Jr.
Charles B. Anderson, Jr., County Executive

Date 6-4-73

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council
stands enacted on August 3, 1973.

Imogene B. Johnston
Imogene B. Johnston, Secretary